

Harpswell Planning Board Meeting**Minutes of October 15, 2003****Approved 1-21-04****page 1 of two**

Attendance: Sam Alexander - Chairman, John Papacosma -Vice-Chairman, Howard Nannen, Don Rogers, Noel Musson - Planner, and Amy E. Ferrell – Planning Assistant. (Dee Carrier arrived at 6:50 pm and James Carignan – Associate arrived at 7:10 pm)

Introductions and Pledge of Allegiance - the meetings had been advertised in the Times Record, recorded, and broadcast live on Harpswell TV. Chairman Alexander called the meeting to order at 6:35 P.M., introduced above Board members and staff and led the pledge of allegiance.

Review of Agenda and Procedure - Chairman Alexander reviewed general Board procedures and the agenda for the evening

Approval of Minutes - The Board reviewed the minutes of 9/17/03. **Motion – To approve the minutes of September 17, 2003 with corrections. (Motion by Alexander and seconded by Papacosma - Carried 4-0.**

Site Visit Review - Chairman Alexander reported the Board visited the property of SJ Prince & Son LLC on Tuesday October 14 with Noel Musson, Town Planner and all Board members, with the exception of James Carignan.

03-10-01 SJ Prince & Son LLC – (Marilyn, Deanna, & Alison Prince), Site Plan Review – Wharf Approval to Repair Existing Wharf, Commercial Fisheries 1, Tax Map 26-50, Harpswell Islands Road, Orr’s Island.

Applicant Presentation – Ben Wallace, representative for the applicant, explained their request to rebuild/repair the 641 square foot existing wharf over the next two to six year period depending on availability of funds. The wharf will be replaced/repared to the exact footprint; maybe going up in height. The project will be completed in three phases beginning at the North end of the wharf

Board Questions and Discussion – Chairman Alexander clarified with the Town Planner that the Board was acting on the whole project and not just phase I. He also explained to Ben Wallace that the permits issued by the Codes Enforcement Office expire after one year. Nannen asked Mr. Wallace where the material from the removed wharf would go; Mr. Wallace clarified it would be taken to the Harpswell Recycling Center.

Public Comment – None

Review and Vote on Section 15.3 of the Shoreland Zoning Ordinance Criteria –

15.3.1 – Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. The Board found there will be no change to erosion control. Motion – The applicant meets the standards of section 15.3.1 of the Shoreland Zoning Ordinance. (Motion by Chairman Alexander and seconded by Nannen; carried 4-0)

15.3.2 – Location shall not interfere with existing developed or natural beach areas. Proposal involves replacement of existing wharf. Motion – The applicant meets the standards of section 15.3.2 of the Shoreland Zoning Ordinance. (Motion by Chairman Alexander and seconded by Rogers; carried 4-0)

15.3.3 – The facility shall be located so as to minimize adverse affects on fisheries. Proposal involves replacement of existing wharf in the same footprint. Motion - The applicant meets the standards of section 15.3.3 of the Shoreland Zoning Ordinance. (Motion by Chairman Alexander and seconded by Nannen; carried 4-0)

15.3.4 – The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. Structure is grandfathered for current dimensions. Motion – The applicant meets the standards of section 15.3.4 of the Shoreland Zoning Ordinance. (Motion by Chairman Alexander and seconded by Nannen; carried 4-0)

15.3.5 – No new structure shall be built on, over or abutting a pier, wharf, dock, or other structure extending beyond the maximum high water line of a water body, or within a wetland. Commercial fishing structure requiring direct access to the water as an operational necessity are allowed. No structure is being proposed. Motion – The applicant is not proposing a new structure and finds that section 15.3.5 is not applicable. (Motion by Chairman Alexander and seconded by Papacosma; carried 4-0)

15.3.6 – No existing structure built on, over or abutting a pier, dock, wharf or other structure extending beyond the maximum high water line of a water body or within a wetland shall be converted to residential dwelling units in any district. No residential structure is being proposed and the applicant, Marilyn Prince, stated there is no plan to convert the current structure to a residential use. Motion – The applicant meets the standards of section 15.3.6 of the Shoreland Zoning Ordinance. (Motion by Nannen and seconded by Chairman Alexander; carried 4-0)

15.3.7 – Except in the Commercial Fisheries I District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the maximum high water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. No structure is being proposed. Motion – The applicant meets the requirements of section 15.3.7 of the Shoreland Zoning Ordinance. (Motion by Nannen and seconded by Rogers; carried 4-0)

Board Member Carrier arrived and took her place as a voting member for the remainder of the meeting.

Section 13.4.7 of the Basic Land Use Ordinance - Musson indicated the Board may now want to review Section 13.4.7 of the Basic Land Use Ordinance and noted the Board may have already covered these elements by virtue of its previous review and approval of Section 15.3 of the Shoreland Zoning Ordinance. **Motion - The application meets the requirements of Section 13.4.7 of the Basic Land Use Ordinance with the condition that the Floodplain Management Ordinance standards are met through the Codes Enforcement Office.** (Motion by Nannen and seconded by Carrier; carried 5-0).

Motion – The Board moves to approve the proposal as meeting the requirements of the Shoreland Zoning and Basic Land Use Ordinances. (Motion by Chairman Alexander and seconded by Rogers; carried 5-0)

Planners Updates-

Musson reminded the Board members of the upcoming Public Hearing on October 27th at Harpswell Islands School. Each member received a copy of the proposed amendments to the Basic Land Use Ordinance, Shoreland Zoning Ordinance, Definitions Addendum, and Wireless Telecommunications Facilities Ordinance to be discussed at the public hearing. Discussion took place over the proposed amendments.

Musson also informed the Board members of the Public Hearing scheduled for November 10th to discuss the proposed amendments to the 1993 Comprehensive Plan.

Adjournment - Motion to adjourn at 7:35 P.M. (Motion by Chairman Alexander and seconded by Rogers; carried 5-0)

Respectfully submitted,

Amy E. Ferrell
Planning Assistant